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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/434,318	11/04/1999	Ken Ren Chen	45688-00002	3814

752 8/17/2003  
JENKENS & GILCHRIST PC  
3200 FOUNTAIN PLACE  
1445 ROSS AVENUE  
DALLAS, TX 752022799

EXAMINER

DOAN, THERESA T

ART UNIT	PAPER NUMBER
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2814

DATE MAILED: 03/17/2003

Please find below and or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/434,318

Examiner

Theresa T Doan

Applicant(s)

CHIEN ET AL.

Art Unit

2814

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 February 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check only a) or b)]

- a) ☒ The period for reply expires 03 months from the mailing date of the final rejection
- b) ☐ In view of the early submission of the proposed reply (within two months as set forth in MPEP § 706.07 (f)) the period for reply expires on the mailing date of this Advisory Action, OR continues to run from the mailing date of the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action, or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will be entered upon the timely submission of a Notice of Appeal and Appeal Brief with requisite fees.
3. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search. (see NOTE below);
- (b) ☐ they raise the issue of new matter. (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims

NOTE: \_\_\_\_\_

4. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_
5. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
6. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
7. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
8. ☒ For purposes of Appeal, the status of the claim(s) is as follows (see attached written explanation, if any):
- Claim(s) allowed: \_\_\_\_\_
- Claim(s) objected to: \_\_\_\_\_
- Claim(s) rejected: 1-14.
- Claim(s) withdrawn from consideration: \_\_\_\_\_
9. ☐ The proposed drawing correction filed on \_\_\_\_\_ a) ☐ has b) ☐ has not been approved by the Examiner.
10. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
11. ☐ Other: \_\_\_\_\_

*Caroline*  
PRIMARY EXAMINER

Continuation of 6 does NOT place the application in condition for allowance because:

- 1) Applicant argues that Hatano does not disclose a flip-chip light emitting device. Hatano discloses an edge emitting device and not a light-emitting device. The argument is not persuasive because the abstract of Hatano teaches "a semiconductor light-emitting diode" having a P-type semiconductor layer formed on a light-emitting layer. "a flip-chip light-emitting device" is a label that does not structurally distinguish over "a semiconductor light-emitting diode" in the prior art.
- 2) Applicant also argues that "the materials of Mg, Si, Zn, Be, In and Sn are of bad reflectivity of light". The argument are not persuasive because Examiner relies on the teachings of Hatano for the materials of Al, Ag, Ni...e.g. (columnn 27, lines 41-44) that has good reflectivity of light, but not Mg, Si...e.g. as asserted by Applicant.